



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2010 REGULAR SESSION

HOUSE BILL NO. 262

AS ENACTED

MONDAY, MARCH 29, 2010

RECEIVED AND FILED
DATE April 8, 2010
1:52 pm

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Allen

AN ACT relating to inspections of commercial motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 ➔ Section 1. KRS 189.227 is amended to read as follows:

2 ***(1)*** The Department of Highways may take such actions, and ~~may~~~~[prescribe and]~~
3 promulgate administrative~~[such rules and]~~ regulations in accordance with KRS
4 Chapter 13A, as are necessary and proper to carry out the purposes of KRS 189.221
5 to 189.228, including, but not limited to, the erection, establishment, and
6 maintenance of permanent or portable scales.

7 ***(2)*** The Department of Kentucky State Police~~[Said department]~~ is~~[also]~~ authorized to
8 employ commercial motor vehicle inspectors~~[weighmasters]~~ and such other
9 employees as may be necessary to operate any scales erected or established, and
10 commercial motor vehicle inspectors employed under this section~~[said~~
11 ~~weighmasters]~~ shall have the authority of peace officers for the purpose of enforcing
12 KRS 189.221 to 189.228, and other statutes relating to motor vehicles, and for no
13 other purpose. ~~A~~~~[No]~~ previous period of residence within the county of
14 service~~[where he is to serve]~~ shall ***not*** be required of any peace officer appointed
15 under this section.

16 ➔ Section 2. KRS 281.755 is amended to read as follows:


17 ***(1)*** The Department of Kentucky State Police or any other peace officer designated by
18 the department may at any time or place make an inspection of any motor vehicle
19 operating under the provisions of this chapter. They may enter into and upon any
20 such motor vehicle for the purpose of ascertaining whether or not any provision of
21 this chapter or any order or rule or regulation of the department relating to such
22 motor vehicles has been violated. Willful refusal to stop any such motor vehicle,
23 when ordered to do so by any representative of the Department of Kentucky State
24 Police, or to permit the representative to enter into or upon the motor vehicle for the
25 purpose of inspection, shall be sufficient ground for the revocation or suspension of


1 the certificate or permit of the motor carrier.

2 (2) In the event that a peace officer orders a commercial motor vehicle to be taken to a
3 storage or impoundment facility as a result of a violation which requires the vehicle
4 to be moved, the driver of the commercial motor vehicle shall be granted the ability
5 to drive the commercial motor vehicle to the storage or impoundment facility. If the
6 driver elects to drive to the storage or impoundment facility, a peace officer shall
7 escort the vehicle to the facility. This subsection shall not apply if the commercial
8 motor vehicle is required to be impounded as a result of a violation of KRS
9 281A.210, an out-of-service order as defined in KRS 281A.010(26), or a serious
10 traffic violation as defined in KRS 281A.010(29).

11 ➔Section 3. Section 2 of this Act shall apply retroactively, but shall not be
12 construed to permit the prosecution of a person whose vehicle was inspected by a peace
13 officer who did not, prior to the effective date of this Act, have the authority to perform
14 inspections under KRS Chapter 281.


Speaker-House of Representatives


President of Senate

Attest: 
Chief Clerk of House of Representatives

Approved 
Governor

Date 